



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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Arnold Schwarzenegger
Governor

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October 1, 2008

Kris McFadden
Deputy Director, Pollution Prevention Division
City of San Diego, Storm Water Department
9370 Chesapeake Drive, Suite 100, MS 1900
San Diego, CA 92123

In reply refer to:
CAU:14-0329
Place ID: 255226

Dear Mr. McFadden:

IMPOSITION OF LIABILITY FOR ALLEGED VIOLATIONS OF EFFLUENT LIMITATIONS SUBJECT TO MANDATORY MINIMUM PENALTIES UNDER WATER CODE SECTION 13385 (SETTLEMENT OFFER NO. R9-2008-0076)

CITY OF SAN DIEGO CONVENTION CENTER: WDR ORDER NO. R9-2003-0050, DISCHARGE OF EXTRACTED GROUNDWATER TO SAN DIEGO BAY

The California Regional Water Quality Control Board, San Diego Region (Regional Board), has completed the 30-day review period for Conditional Early Settlement Offer No. R9-2008-0076 to the City of San Diego to resolve 23 violations of Order No. R9-2003-0050, which are subject to mandatory minimum penalties under California Water Code Section 13385(h) and (i). During the review period two comment letters were received in opposition to the minimum penalty.

The Regional Board prosecution team has reviewed public comments received on Offer R9-2008-0076 and has determined that it is prudent for the Regional Board to consider the alleged violations and public comments in a public meeting. At this point, the prosecution team continues to believe the mandatory minimum penalties are appropriate for the violations. As such, a tentative Order to impose the mandatory minimum penalties will be presented to the Regional Board for consideration at its next tentatively scheduled Regional Board Meeting on November 12, 2008 in San Diego.

At the public meeting, the Regional Board will consider whether to approve, modify, or reject the tentative Order. Additionally, although the City has waived its right to a hearing, the Regional Board may consider whether to hold a public hearing.

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A tentative Order and additional details regarding the Regional Board meeting will be distributed to the City of San Diego and known interested parties at least 30 days prior to the meeting and will be posted on the Regional Board web site. Documents concerning this item are currently available on-line at <http://www.waterboards.ca.gov/sandiego>.

Should you have any questions about this Conditional Early Settlement Offer, please contact Joann Cofrancesco at (858) 637-5589/ JCoFrancesco@waterboards.ca.gov or Jeremy Haas at (858) 467-2735/ jhaas@waterboards.ca.gov.

Respectfully,



MICHAEL McCANN
Assistant Executive Officer

MPM:ma:jh:jc

cc by email:

Reed Sato, Office of Enforcement, State Water Resources Control Board
Brian Kelley, Core Regulatory Unit, San Diego Regional Water Quality Control Board
Ken Greenberg, U.S. Environmental Protection Agency, Region IX

cc:

Karan L. Zopatti, 2135 Coast Avenue, San Marcos, CA 92178
Cynthia Conger, 4425 Point Loma Avenue, San Diego, CA 92107